

5703-S

Sponsor(s): Senate Committee on Agriculture & Environment  
(originally sponsored by Senators Anderson and Morton)

Brief Title: Concerning a water right for the beneficial use of water.

**SB 5703-S.E - DIGEST**

(DIGEST AS PASSED LEGISLATURE)

Provides that, if a person placed surface or ground water to beneficial use before January 1, 1993, for irrigation, stock watering, or domestic use supplied by a public water supply system with one hundred or fewer service connections for which a permit or certificate was not issued by the department or its predecessors, the person or the public water supply system, or their respective successors may continue to use water in the amount that has been beneficially used if: (1) The person or the public water supply system files with the department a statement of claim during the period beginning September 1, 1998, and ending midnight June 30, 1999, using the standard form prescribed by RCW 90.14.051;

(2) the person or public water supply system has applied the water to beneficial use to the full extent stated in the statement of claim during at least three of the five years preceding the date the statement is filed and the person attests to having done so on the statement; and

(3) the claimant has filed or simultaneously files with the statement of claim an application to appropriate public water under RCW 90.03.250 or 90.44.060 for the quantity of water being put to beneficial use.

Provides that a person may continue to use water on an interim basis for the purposes claimed as provided in this act until one of the following occurs: (1) The department makes its final decision granting or denying the water right application filed by the applicant. However, for an application filed under chapter . . ., Laws of 1998 (this act) located within a watershed in which a watershed management planning process established under chapter 90.82 or 90.54 RCW has been initiated prior to July 1, 2000, the department shall make a final decision on the application only after completion of the watershed management plan; or

(2) if the department has not made a final decision on the water right application and a court of competent jurisdiction issues a decree pursuant to a general adjudication under RCW 90.03.200 that defines or denies the claimant's right to appropriate water.

VETO MESSAGE ON SB 5703-S

April 2, 1998

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed

Substitute Senate Bill No. 5703 entitled:

"AN ACT Relating to granting water rights;"

This bill would allow a person using water without a water right to continue using that water on an interim basis, until a court adjudicates the water right, or the Department of Ecology grants a water right based upon the completion of a watershed management plan. Where no planning is occurring, the Department of Ecology would retain authority to act on a water right application.

I vetoed similar legislation last year because it allowed continued interim use of non-permitted water, with a strong predisposition that such use be transformed into a permanent water right. This bill would have set up a separate, parallel track for the issuance of water rights and would have been unfair to the tens of thousands of individuals, farmers, companies, local governments and utilities who have complied with the law for obtaining a water right.

I recognize the economic concerns of those who use non-permitted water, and my administration recommended very specific conditions that could make the use of non-permitted water on an interim basis acceptable. However, several of those conditions were not accepted by the Legislature.

For these reasons, I have vetoed Engrossed Substitute Senate Bill No. 5703 in its entirety.

Respectfully submitted,  
Gary Locke  
Governor